



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 7905-98

15 October 1999

PNI [REDACTED]

Dear Petty Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 16 August 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

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MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: PN1 (SN [REDACTED] USN [REDACTED])

Ref: (a) BUPERINST 1610.10  
(b) NAVOP 043/95

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of his performance report for the period 2 October 1996 to 15 November 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the performance report in question to be on file. The member signed the report indicating his desire not to submit a statement. Per reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desired. A statement has not been received from the member.

b. The member states that his lack of education on nutrition resulted in his failing the command PRT in April 1997, due to being overweight. The member requests modification of the performance report in question in order to be awarded a fourth Good Conduct Medal.

c. Reference (b), paragraph h, states that members who were not within standards during the most recent PRT cycle, but who are making progress in a remedial program, shall be assigned a maximum of "2.0" in "Military Bearing/Character", and still may receive an overall assessment of "Promotable". The member alleges that his command did not offer him any help nor place him in a remedial program until after the reporting period.

d. A review of the member's previous performance reports revealed that the member has received numerous PRT failures throughout his naval career due to being over body fat.

Subj: PN1 (SW) [REDACTED] [REDACTED], U.S. [REDACTED]

e. The marks, comments, and recommendations contained in the report are at the reporting senior's discretion. They are not routinely open to challenge.

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f. The member does not prove the report to be unjust or in error.

3. We recommend retention of the report as written.

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

head, Performance  
Evaluation Branch